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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,432	02/08/2006	Jean-Francois Fleury	PF030021	6804

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EXAMINER	
LEE, ANDREW CHUNG CHEUNG	
ART UNIT	PAPER NUMBER
2419	
MAIL DATE	DELIVERY MODE
07/31/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/539,432	FLEURY ET AL.	
	Examiner	Art Unit	
	Andrew C. Lee	2419	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 May 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *6,7,11 and 12* is/are pending in the application.

4a) Of the above claim(s) *1-5 and 8-10* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *6,7,11,12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Claims 6, 7, 11, 12 are pending.

Claims 1 – 5, 8 – 10 have been canceled.

Claim Objections

2. Claim 11 is objected to because of the following informalities:

Regarding claim 11, the amended claimed subject matter "construct and transmit to each node" should be corrected as "to construct and to transmit to each node" (the phrase implies that wherein the master node is organized to construct a first table....., and to construct and to transmit to each node....., see lines 5 to 8. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 6, 7, 11, 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Sakai et al. (6005869)

Regarding claim 6, Sakai et al. disclose a method for reserving, on a node of an Ethernet bus type communication network, a fraction of bandwidth of a digital bus

during a cycle *(Abstract, Fig. 31),* the method comprising: circulating a token between all nodes of the network so as to enable all nodes of the network to send in turn a data packet over the bus according to a sequence defining a chronological order of passage of the token between all nodes during a cycle *(Fig. 31(a) – (f), col. 1, lines 25 – 67, col. 2, lines 1 – 10),* wherein the chronological order of passage of the token between all nodes of the network is defined by a master node of the network *("master station sends out a token for each certain time"; col. 5, lines 37 - 49);* and wherein the fraction of bandwidth reserved for the node of the network corresponds in the sequence to a certain number of occurrences of passage of the token via the node *("token management table according to bandwidth required in the …."," sequentially sends out the tokens for each certain time …."; col. 5, lines 46 – 61*), and wherein the master node, on initialization of the network, constructs a first table, stores in said first node for each node of the network information indicative of the fraction of bandwidth reserved for each node *("initialization state"; Fig. 3,col. 5, lines 50 - 61, col. 32, lines 18 – 43),* and on the basis of the first table, constructs and transmits to each node a second table storing the sequence defining the order of passage of the token between the nodes of the network *(col. 6, lines 10 – 22, col. 27, lines 30 – 45),* and wherein each node transmits the token to a next node in the sequence in parallel such that each node of the network follows circulation of the token *(Fig. 19 - 23, col. 28, lines 15 – 66, col. 6, lines 61 – 67, col. 7, lines 1 – 2).*

Regarding claim 7, Sakai et al. disclose the method claimed in which the occurrences of passage of the token via a node of the network are distributed in the sequence among the occurrences of passage of the token via other nodes of the network *(col. 14, lines 58 – 67, col. 15, lines 1 – 13).*

Regarding claim 11, Sakai et al. disclose a communication device *(Fig. 1, Fig. 14)* designed to be connected to a digital bus communication network *(Abstract, Fig. 31),* the device comprising: a connection as a master node to the network *("master station sends out a token for each certain time"; col. 5, lines 37 – 49, Fig. 8, Fig.9, Fig. 14)*; and a token, wherein the master node is configured to have a token circulate the token between all nodes of the network during a cycle *(Fig. 31(a) – (f), col. 1, lines 25 – 67, col. 2, lines 1 – 10)* and wherein the master node is organized to construct a first table storing, for each node of the network, information indicative of a fraction of the bus bandwidth reserved for each node of the network *("initialization state"; Fig. 3, col. 5, lines 50 - 61, col. 32, lines 18 – 43),* and construct and transmit to each node a second table storing a sequence defining a chronological order of passage of the token between all nodes during a cycle *(col. 6, lines 10 – 22, col. 27, lines 30 – 45),* the fraction of the bandwidth reserved for a any one node of the network corresponding in the sequence to a certain number of occurrences of passage of the token via the one node (col. 27, lines 30 – 45, col. 32, lines 18 – 43), and wherein each node transmits the token to next node in the sequence in parallel *(Fig. 19 - 23, col. 28, lines 15 – 66, col. 6, lines 61 – 67, col. 7, lines 1 – 2)*).

Regarding claim 12, Sakai et al. disclose a communication device *(Fig. 1, Fig. 14)* designed to be connected to a digital bus communication network *(Abstract, Fig. 31, Fig. 14)*, the device comprising: a connection as a node to the digital bus communication network *(Fig. 1, col. 12, lines 1 – 8)*; and a table received from a master node of the network storing a sequence defining a chronological order of passage of a token between all the nodes during a cycle *("Isochronous data communication token management table, …and initialization state"; Fig. 3, col. 5, lines 50 - 61, col. 32, lines 18 – 43),* the fraction of the bandwidth reserved for a node of the network corresponding in the sequence to a certain number of occurrences of passage of the token via the node *("token management table according to bandwidth required in the ….",," sequentially sends out the tokens for each certain time …."; col. 5, lines 46 – 61, col. 27, lines 30 – 45)*, wherein the node transmits the token to the next node in the sequence so that each node of the network can follow the chronological order in the sequence *(col. 14, lines 58 – 67, col. 15, lines 1 – 13)*, and wherein each node transmits the token to a next node in the sequence in parallel such that each node of the network follows circulation of the token *(Fig. 19 - 23, col. 28, lines 15 – 66, col. 6, lines 61 – 67, col. 7, lines 1 – 2)*.

Response to Arguments

5. Applicant's arguments filed on 5/01/2009 with respect to claims 6, 7, 11, 12have been fully considered but they are not persuasive.

Regarding claims 6, 7, 11, 12, applicant argues reference Sakai does not discuss the aspect of that each node transmits the token to a next node in the sequence in parallel (that is, Claim 6, 11, 17 are hence amended to include the aspects that the network information is stored in the first table, the second table is transmitted to all the nodes, and that each node transmits the token to the next node in the sequence in a parallel manner such that each node of the network can follow circulation of the token), then Sakai cannot anticipate the pending amended claims under 35 U.S.C. § 102 per MPEP §2131.

In response to applicant's argument/remark, examiner respectfully disagrees. Examiner contends reference Sakai does disclose the aspect of that each node transmits the token to a next node in the sequence in parallel.

Examiner contends reference Sakai does disclose the aspect of that each node Examiner interpreted the amended claimed subject matter "transmits the token to a next node in the sequence in parallel" as "token management table according to bandwidth required in the ....",...," sequentially sends out the tokens for each certain time ....", and handling management tables in pair; see Sakai, col. 5, lines 46 – 61, col. 27, lines 30 – 45, Fig. 19 - 23, col. 28, lines 15 – 66, col. 6, lines 61 – 67, col. 7, lines 1 – 2.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew C. Lee whose telephone number is (571)272-3131. The examiner can normally be reached on Monday through Friday from 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew C Lee/
Examiner, Art Unit 2419
<7/28/2009::4Qy09>
/Ayaz R. Sheikh/

Supervisory Patent Examiner, Art Unit 2419